

AMENDED IN ASSEMBLY APRIL 13, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1676**

**Introduced by Assembly Members Richman and Nation**

February 22, 2005

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An act to add Section 7195 to the Health and Safety Code, *and to amend Section 4800 of the Probate Code*, relating to death.

LEGISLATIVE COUNSEL'S DIGEST

AB 1676, as amended, Richman. ~~Advance~~ *Advanced* Directives and Terminal Illness Decisions Program.

Existing law authorizes an adult to give an individual health care instruction and to appoint an attorney to make health care decisions for that individual in the event of his or her incapacity pursuant to a durable power of attorney for health care.

This bill would enact the ~~Advance~~ *Advanced* Directives and Terminal Illness Decisions Program, which would require the State Department of Health Services to develop information about end of life care and advanced health care directives. The bill would require the Department of Motor Vehicles to include this information as part of its regular vehicle registration mailings and to ~~display informational and registration materials regarding advanced health care directives at each department field office and~~ *provide access to advanced health care directives information and information about the Secretary of State's advanced health care directive registry* on its Internet Web site. It would also require the Department of Motor Vehicles to ~~develop a registry of advanced health care directives that would be linked with the electronic medical record systems of hospitals and medical providers.~~

*Existing law requires the Secretary of State to establish a registry system through which a person who has executed a written advanced health care directive may register in a central information center, information regarding the advanced directive, making that information available upon request to any health care provider.*

*This bill would require the Secretary of State to work with the State Department of Health Services to develop information about end of life care, advanced health care directives, and registering the advanced health care directives at the registry. It would also require that this information be available on the Secretary of State's Web site.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known, and may be cited, as  
2 the ~~Advance~~ *Advanced Directives and Terminal Illness Decisions*  
3 *Program*.

4 SEC. 2. The Legislature finds and declares the following:

5 (a) The purpose of this act is to increase communication of  
6 end of life issues between individuals, families, and health care  
7 providers.

8 (b) Palliative care, including treatment options for pain, are  
9 important alternatives for patients and the health care system.

10 SEC. 3. Section 7195 is added to the Health and Safety Code,  
11 to read:

12 7195. ~~(a)~~ The State Department of Health Services shall  
13 develop information about end of life care and advanced health  
14 care directives. The Department of Motor Vehicles shall include  
15 this information as part of its regular vehicle registration mailings  
16 ~~and shall display informational and registration materials~~  
17 ~~regarding advanced health care directives at each department~~  
18 ~~field office and on its Internet Web site.~~

19 ~~(b) The Department of Motor Vehicles shall develop a registry~~  
20 ~~of advanced health care directives that shall be linked with the~~  
21 ~~electronic medical record systems of hospitals and medical~~  
22 ~~providers, and shall provide access to advanced health care~~  
23 ~~directives information and information about the Secretary of~~  
24 ~~State's advanced health care directive registry on its Internet~~  
25 ~~Web site.~~

SEC. 4. Section 4800 of the Probate Code is amended to read:

4800. (a) The Secretary of State shall establish a registry system through which a person who has executed a written ~~advance~~ *advanced* health care directive may register in a central information center, information regarding the ~~advance~~ *advanced* health care directive, making that information available upon request to any health care provider, the public guardian, or the legal representative of the registrant. A request for information pursuant to this section shall state the need for the information.

(b) The Secretary of State shall respond by the close of business on the next business day to a request for information made pursuant to Section 4717 by the emergency department of a general acute care hospital.

(c) Information that may be received is limited to the registrant's name, social security number, driver's license number, or other individual identifying number established by law, if any, address, date and place of birth, the registrant's advance health care directive, an intended place of deposit or safekeeping of a written ~~advance~~ *advanced* health care directive, and the name and telephone number of the agent and any alternative agent. Information that may be released upon request may not include the registrant's social security number except when necessary to verify the identity of the registrant.

(d) When the Secretary of State receives information from a registrant, the secretary shall issue the registrant an ~~Advance~~ *Advanced* Health Care Directive Registry identification card indicating that an ~~advance~~ *advanced* health care directive, or information regarding an ~~advance~~ *advanced* health care directive, has been deposited with the registry. Costs associated with issuance of the card shall be offset by the fee charged by the Secretary of State to receive and register information at the registry.

(e) The Secretary of State, at the request of the registrant or his or her legal representative, shall transmit the information received regarding the written ~~advance~~ *advanced* health care directive to the registry system of another jurisdiction as identified by the registrant, or his or her legal representative.

(f) The Secretary of State shall charge a fee to each registrant in an amount such that, when all fees charged to registrants are

1 aggregated, the aggregated fees do not exceed the actual cost of  
2 establishing and maintaining the registry.

3 *(g) The Secretary of State shall work with the State*  
4 *Department of Health Services to develop information about end*  
5 *of life care, advanced health care directives, and registering the*  
6 *advanced health care directives at the registry. This information*  
7 *shall be available on the Secretary of State's Web site.*

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